

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

-----  
FREDERICK N. BURGNER,

Plaintiff,

*-against-*

Case No.: 5:07-cv-05160-HRL

UNION PACIFIC CORPORATION,

Defendant.  
-----

**STIPULATION AND ORDER PERMITTING PLAINTIFF TO SERVE AND FILE  
SECOND AMENDED COMPLAINT**

Pursuant to FRCivP 15(a), the parties stipulate and the Court hereby orders as follows:

1) Plaintiff shall have leave to serve and file a Second Amended Complaint in the form attached as Exhibit "A".

2) Plaintiff shall serve and file his Second Amended Complaint not later than the close of business on the next business day following the Court's approval of this Stipulation.

3) Plaintiff waives service of an answer by Defendant to his initial Complaint and his (first) Amended Complaint.

4) Defendant's time to answer or move against the Second Amended Complaint shall remain the same as its time to answer or move against the initial Complaint (herein waived), to wit, February 12, 2008.

DATED:\_\_\_\_\_

/s/ Steven L. Herrick, Esq.  
Counsel for Plaintiff

/s/ Stephanie L. Quinn, Esq.  
Incoming Counsel for Defendant

PURSUANT TO STIPULATION,  
IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
United States Magistrate Judge

---

Counsel for Plaintiff

---

Incoming Counsel for Defendant

PURSUANT TO STIPULATION,  
IT IS SO ORDERED.

DATED: \_\_\_\_\_

---

United States Magistrate Judge